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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

MUHAMMAD HANIF,

Plaintiff and Respondent,

v.

MUZAFFAR ALI,

Defendant and Appellant.

B284850

(Los Angeles County
Super. Ct. No. KC061942)

APPEAL from an order of the Superior Court of Los Angeles County, Honorable Dan Thomas Oki, Judge. Affirmed.

Brown & Brown and Tyler H. Brown for Defendant and Appellant.

Law Offices of Thomas R. Chapin and Thomas R. Chapin for Plaintiff and Respondent.

Defendant Muzaffar Ali (Ali) appeals from the trial court's judgment following a jury verdict finding him liable to plaintiff Muhammad Hanif (Hanif) for fraudulent concealment and intentional misrepresentation in connection with the parties' joint venture to import and sell textiles through the corporate entity Norwalk Shaco Traders, Inc. (NST). Ali challenges the sufficiency of the evidence to support the jury's findings that he misled Hanif and/or concealed information from Hanif regarding NST's business. In addition, he seeks review of the trial court's denial of his motion for nonsuit, likewise based on sufficiency of the evidence.

Ali's sole argument on appeal is that Hanif could not have been misled, nor could Ali have concealed information from Hanif, because the evidence at trial established Hanif had "continuous and uninterrupted access to the bank accounts, books, accounting records, and checks of NST." We conclude that Ali has failed to demonstrate any error in the judgment below.

" 'When a finding of fact is attacked on the ground that there is not any substantial evidence to sustain it, the power of an appellate court *begins* and *ends* with the determination as to whether there is any substantial evidence contradicted or uncontradicted which will support the finding of fact.' " (*Foreman & Clark Corp. v. Fallon* (1971) 3 Cal.3d 875, 881 (*Foreman*), quoting *Primm v. Primm* (1956) 46 Cal.2d 690, 693.) An appellant raising such a challenge bears the burden of rebutting an initial presumption "that the record contains evidence to sustain every finding of fact." (*Jordan v. City of Santa Barbara* (1996) 46 Cal.App.4th 1245, 1255.) To do so, the appellant's brief must set forth "all material evidence on the point" and "not merely [the appellant's] own evidence." (*Ibid.*; see *Toigo v. Town of Ross* (1998) 70 Cal.App.4th 309, 317.)

Ali's opening brief summarizes evidence suggesting Hanif had unfettered access to NST records and information. But Ali does not describe, cite to, or otherwise address what evidence Hanif presented to support Hanif's allegations that Ali misled him and concealed information from him regarding NST. (See *Foreman, supra*, 3 Cal.3d at p. 881 [the appellant has the duty to fairly summarize the facts in the light most favorable to the judgment].) Nor does Ali suggest Hanif failed to offer such evidence at trial. Therefore, Ali has not made the showing necessary to rebut our initial presumption that the jury's findings are supported by substantial evidence. (See *ibid.*; see *Doe v. Roman Catholic Archbishop of Cashel & Emly* (2009) 177 Cal.App.4th 209, 218.)

Ali has also failed to provide, as he must to carry his burden on appeal, "argument . . . and legal authority in support of [his] contention" that Hanif having access to NST records renders Hanif's causes of action "impossible." (*Bank of New York Mellon v. Preciado* (2013) 224 Cal.App.4th Supp. 1, 6 (*Bank of New York Mellon*).) Ali generally describes Hanif's complaint as alleging that Ali "entered into a series of unauthorized financial transactions between 2005 and 2009, fraudulently induced [Hanif] to loan money to another company, and refused to provide an accounting to him." But this general description does not identify what information Ali allegedly concealed or misrepresented, and we thus have no basis on which to determine whether access to NST records renders such alleged misrepresentations or concealment "impossible." Ali cites no authority to the contrary; indeed, he cites no authority at all for this point.

We “are not required to perform an unassisted study of the record or a review of the law relevant to a [civil] party’s contentions on appeal.” (*Bank of New York Mellon, supra*, 224 Cal.App.4th Supp. at p. 6; *Durell v. Sharp Healthcare* (2010) 183 Cal.App.4th 1350, 1372 [same].) Ali has failed to “affirmatively demonstrate error through reasoned argument, citation to the appellate record, and discussion of legal authority.” (*Bullock v. Philip Morris USA, Inc.* (2008) 159 Cal.App.4th 655, 685.) We therefore affirm.

DISPOSITION

The judgment is affirmed. Hanif shall recover his costs on appeal.

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ROTHSCHILD, P. J.

We concur:

JOHNSON, J.

BENDIX, J.